

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the amended claims and the arguments set forth fully below. In the Office Action mailed July 21, 2008, claims 1-39 have been rejected. In response, the Applicants have amended claims 1, 15 and 18, and have submitted the following remarks. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks set forth fully below.

**Rejections Under 35 U.S.C. §112**

Claims 15 and 34 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 15, the Examiner states that she cannot ascertain what Applicant means by "...of a counter of the plurality...". By the above amendments, the Applicants have amended claim 15 to fashion a claim that is precise, clear, correct, and unambiguous so that the Examiner may ascertain what Applicant means by the recited claim. Accordingly, the Applicants respectfully request the Examiner to withdraw her rejection of claim 15 under 35 U.S.C. §112, second paragraph.

With respect to claim 34, the Examiner states that it is unclear what the Applicant means by "generic". The Applicant respectfully directs the Examiner to paragraph 20, that further explains that a generic counter object is one that includes one or more counter instances that may be created for the generic counter according to certain embodiments so that certain specific aspects or details of a counter may be monitored and recorded. This description of a generic counter object is further provided in the rejected claim 34. For at least these reasons, the Applicant respectfully submits that claim 34 is definite and particularly points out and distinctly claims the subject matter which Applicant regards as the invention, that is a generic counter object as described in paragraph 20 of the present application.

Rejections Under 35 U.S.C. §103

Claims 1-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,664 to Boukobza et al. (hereinafter Boukobza), in view of U.S. Pre-grant Pub. No. 2003/0023459 to Shipon (hereinafter Shipon). The Applicants respectfully disagree with this rejection.

The Boukobza reference teaches a process for monitoring a plurality of object types of a plurality of nodes. As cited by the Examiner, the Boukobza reference does indeed teach a system that measures parameters of a plurality of applications in a system, and tests the conditions on these collective parameters to thresholds in order to warn of a problem, to reconfigure or to correct those measured specific parameters of the application. In other words, Boukobza a system monitoring method to find parameter values that exceed thresholds to warn of dangerous of defective conditions. However, Boukobza does not teach a system or method configured to pull a set of data, and transforming that set of data into a plurality of counters, wherein the counter is then the element configured to monitor the specific parameters of each application to see if they exceed the threshold.

Obviously, as the Shipon reference was relied upon to teach a healthcare information system, it too does not teach the method of pulling a set of data from a healthcare information system, and transforming the set of data into a plurality of counters, such that the plurality of counters monitors one or more performance parameters of the healthcare information system by recording those values, and compares those values to a threshold.

In contrast to the teachings of Boukobza, Shipon, and their combination, the method and system of the present application includes an agent 145, 148 configured to pull data on the customer system performance, and transforming that data into counters [present application, paragraph 20]. Referring to Figure 2 and paragraph 36, the pulling module 210 is preferably configured to gather data about the customer system 140 and transform the data into a counter. The pulling module 210 preferably stores the counters in database 240, and the counters monitor one or more performance parameters of the healthcare information system by recording the values of the performance parameters, and comparing the value counters to the stored thresholds. As stated above, neither Boukobza, Shipon, nor their

combination teach the pulling and transforming steps, as now claimed in the amended independent claims of the present application, nor as described in the specification of the present application.

Claim 1 is directed to a method for proactively monitoring a healthcare information system, the method comprising polling a set of data from the healthcare information system; transforming the set of data into a plurality of counters; monitoring one or more performance parameters of the healthcare information system by recording the values of the parameters by one of the plurality of counters; comparing the value of the counters to thresholds; and notifying a designated representative if the value of one of the plurality of counters exceeds one of the thresholds. As discussed above, neither Boukobza, Shipon, nor their combination teach pulling a set of data from a healthcare information system, nor transforming the set of data into a plurality of counters. For at least these reasons, the independent claim 1 is allowable over the teachings of Boukobza, Shipon and their combination.

Claim 18 is directed to a system for proactively monitoring a healthcare information system, the system comprising a notification agent, wherein the agent polls a set of data from the hospital information system; and a plurality of counters, each of which capable of monitoring one of a multiplicity of performance parameters by recording the values of the one parameter, wherein the plurality of counters are produced when the agent transforms the set of data, wherein the agent is further capable of notifying a designated representative when the value of one of said plurality of counters exceeds a threshold. As discussed above with respect to the independent claim 1, neither Boukobza, Shipon, nor their combination teach a notification agent configured to pull a set of data from the hospital information system nor a plurality of counters produced when the agent transforms the set of data. Accordingly, the independent claim 18 is allowable over the teachings of Boukobza, Shipon and their combination.

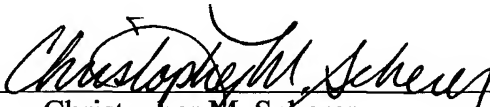
Claims 2-17 and 19-39 are dependent upon the independent claims 1 and 18. As discussed above, the independent claims 1 and 18 are allowable over the teachings of Boukobza, Shipon, and their combination. Accordingly, claims 2-17 and 19-39 are also allowable as being dependent upon an allowable base claim.

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For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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